

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TIMOTHY ROBERT PETROZZI,

9 Plaintiff,

v.

10 JAY INSLEE, et al.,

11 Defendants.

CASE NO. C20-6000BHS

ORDER

12
13 THIS MATTER is before the Court on pro se Plaintiff Timothy Petrozzi's Motion
14 for Leave to Proceed *in forma pauperis*. Dkt. 88. This filing is Petrozzi's *seventy seventh*
15 proposed civil rights complaint. Dkts. 6–81. Petrozzi has also filed a “Motion to
16 Compel.” Dkt. 89.

17 This Court previously determined that Petrozzi is a serial filer of frivolous
18 complaints. Dkt. 5. It issued a Bar Order requiring him to make an affirmative initial
19 showing—under penalty of perjury—that he seeks to litigate new claims not present in
20 his earlier filings. *Id.* If he asserts a 42 U.S.C. § 1983 claim, he is required to demonstrate
21 in the first instance that he is in “imminent danger of serious bodily injury or death.” *Id.*
22

1 Petrozzi's latest proposed complaint accuses various governmental officials of
2 "genocide" and conspiracy and claims that various officials are violating the
3 constitutional rights of "we the people." It seeks a random, 99-digit number in damages.
4 Dkt. 88 at 5. Petrozzi does not make the required initial showing that he is imminent
5 danger, and his new proposed complaint does not differ materially from his prior ones.

6 Even absent a bar order, a court should "deny leave to proceed *in forma pauperis*
7 at the outset if it appears from the face of the proposed complaint that the action is
8 frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th
9 Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma*
10 *pauperis* complaint is frivolous if "it ha[s] no arguable substance in law or fact." *Id.*
11 (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d
12 1221, 1228 (9th Cir. 1984)).

13 Like his earlier filings, Petrozzi's most recent proposed complaint is nonsensical,
14 and it is frivolous as a matter of law. It does not meet the *in forma pauperis* standard, and
15 it does not meet the standard set in the Bar Order. The Motion for leave to proceed *in*
16 *forma pauperis*, Dkt. 88, is **DENIED**, and his proposed complaint is **DISMISSED with**
17 **prejudice**. Petrozzi's Motion to Compel, Dkt. 89, is **DENIED** as moot.

18 \

19 \

20 \

21 \

22 \

1 The Court **WILL NOT ACCEPT** any future filings that do not comply with the
2 terms of the Bar Order. The Clerk shall terminate any other pending motions. No
3 Judgment shall be entered (because any future proposed claims will be opened in this
4 case), but this Order terminating this proposed action is final and appealable.

5 **IT IS SO ORDERED.**

6 Dated this 20th day of May, 2021.

7
8 

9 _____
10 BENJAMIN H. SETTLE
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22